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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,971	07/26/2001	Anthony Lukindo	374	8158
47372	7590	03/21/2005	EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 GATEHOUSE ROAD SUITE 100 EAST FALLS CHURCH, VA 22042-1248			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/915,971	LUKINDO, ANTHONY
Examiner	Art Unit	
Edward Raymond	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 March 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050225.
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- Notice of Informal Patent Application (PTO-152)
- Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-13 and 16-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Umezu et al.

Umezu et al. teach a method of managing manufacturing test files among a plurality of test stations for testing products (Claim 1: see col. 1, lines 8-17), the method comprising: obtaining a test file having a test file name (Claim 1: see col. 7, lines 58-62 and also col. 8, lines 5-7); assigning a unique identifier to the test file (Claim 1: see col. 8, lines 43-55; The Examiner notes that the icon is a unique identifier); associating enforcement criteria with the test file (Claim 1: see col. 8, lines 56-65; The Examiner notes that the enforcement criteria is equivalent to the test task); storing the test file, test file name, the unique identifier and the enforcement criteria (Claim 1: see col. 9, lines 36-60); and permitting distribution of the test file to at least one of the test stations according to the enforcement criteria (Claim 1: see col. 18, lines 38-45).

Umezu et al. teach a method wherein the enforcement criteria includes an enforcement criteria test station identifier (Claims 2 and 17: see Figure 12: Testing

Equipment 110: The Examiner notes that each test station uses a station name associated with the parameter data).

Umezu et al. teach a method further comprising comparing a test station identifier associated with the test station to the enforcement criteria test station identifier (Claims 3 and 18: see col. 6, line 60-65), the distributing being permitted when the test station identifier matches the enforcement criteria test station identifier (Claims 3 and 18: see col. 18, lines 30-45).

Umezu et al. teach a method wherein the enforcement criteria includes an enforcement criteria product identifier (Claims 4 and 19: see Figure 12: Testing Equipment 110: The Examiner notes that each test station uses a station name associated with the parameter data).

Umezu et al. teach a method further comprising comparing a product identifier associated with the test station to the enforcement criteria product identifier, the distributing being permitted when the product identifier matches the enforcement criteria product identifier (Claims 5 and 20: see col. 6, line 60-65).

Umezu et al. teach a method wherein the enforcement criteria includes support file criteria (Claims 6 and 21: see col. 10, lines 29-34).

Umezu et al. teach a method further comprising locating support test files associated with the test file in response to the support file criteria and distributing the support test files to the test station (Claims 7 and 22: see col. 10, lines 29-34 and col. 18, lines 35-45).

Umezu et al. teach a method wherein the enforcement criteria includes a test station configuration file defining a configuration of the test station (Claims 8 and 23: see col. 7, lines 58-63).

Umezu et al. teach a method wherein the permitting distribution includes: accessing the test station configuration file; determining from the test file configuration file if the test station is configured to test a product; and providing the test file to the test station if the test station is configured to test the product (Claims 9 and 24: see col. 18, lines 35-45, col. 7, lines 58-63, and also col. 8, lines 29-35).

Umezu et al. teach a method wherein the test station configuration file includes hardware components associated with the test station, the hardware components associated with the test station including test equipment (Claims 10 and 25: see Figure 14).

Umezu et al. teach a method wherein the permitting distribution of the test file occurs periodically at a predetermined interval (Claims 11 and 26: see col. 12, lines 21-56 and col. 13, lines 7-34: The Examiner notes that the loop feature can control the periodic interval of the test plan and the test plan includes the step of distributing data).

Umezu et al. teach a method wherein the permitting distribution of the test file occurs upon an operator accessing the test station (Claims 12 and 27: see col. 18, lines 34-45).

Umezu et al. teach a method wherein the permitting distribution of the test file occurs upon the storing (Claims 13 and 28: see col. 7, lines 52-57).

Umezu et al. teach a system for managing manufacturing test files among a plurality of test stations for testing products (Claim 16: see col. 4, line 65 through col. 5, line 20: The Examiner notes that the test files or DUT can be performed in a manufacturing environment), the system comprising: a test station (Claim 16: see Figure 12: Testing Equipment 110); a network coupled to said test station (Claim 16: see Figure 12: Host bus); an administrative system coupled to said network (Claim 16: see Figure 12: CPU 10); a database coupled to said network (Claim 16: see Figure 12: Memory 26: The Examiner notes that the memory is performing the function of the database); and a file server coupled to said network, said file server storing a test file, the test file having a unique identifier and enforcement criteria associated therewith (Claim 16: see col. 9, lines 35-60); said test station conditionally receiving the test file according to the enforcement criteria (Claim 16: see col. 8, line 56 through col. 9, line 20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezu et al. in view of Eason et al.

Umezu et al. does not teach a method further comprising performing an audit of the test station data and classifying the test file as illegal if the reported file identifier and

the unique identifier do not match; and, deleting illegal files from the test station. Eason et al. teaches comparing test station data, classifying the test file as illegal if the identifier does not match, and deleting illegal files from the test station (Claims 14 and 29: see Figure 9: Step 924 through Step 934). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Umezu et al. to teach such an audit and purge, as taught by Eason et al., because this would remove files from a test station that would cause unwanted results or to conserve storage resources.

5. **Claims 15 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezu et al.

Umezu et al. does not explicitly teach a method wherein the product is an optical communications network component. Umezu et al. does teach a communications network component (Claims 15 and 30: see col. 18, lines 35-45). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Umezu et al. to use an optical communications network component, as suggested by Umezu et al., because this would allow for high performance communications and higher reliability.

Response to Amendment

6. In response to arguments to Umez et al. being an entirely different system and method that manages manufacturing test files among a plurality of test stations for testing products, the Examiner contends that the functions of the claimed invention are met by the reference, notwithstanding their differing applications.
7. In response to arguments to Umez et al. not teaching an enforcement criterion, the Examiner notes that the comparison of enforcement criteria to a test task is adequate. The Examiner believes that a task or a goal is synonymous to a criterion for performing a function. The claimed limitation of enforcement criterion has not been given particular meaning in the claims since all testing and monitoring systems operate under a specific criterion.
8. In response to arguments to Umez et al. not teaching the test station conditionally receiving the test file according to the enforcement criteria, the Examiner notes that the test file is dependent on the test goal successfully determination (col. 8, line 56 through col. 9, line 20).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

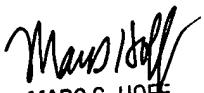
Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

March 10, 2005
Edward Raymond
Patent Examiner
Art Unit 2857


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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